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Statement of the
INTERNATIONAL COMMITTEE OF THE RED CROSS
to the United Nations Human Rights Council
concerning the draft International Convention on the Protection of
all Persons from Enforced Disappearance

CHECK AGAINST DELIVERY

Geneva, 27 June 2006

Mr Chairman,

At this first session, an issue comes before Human Rights Council that is of particular importance for the International Committee of the Red Cross (ICRC): the draft *Convention for the Protection of all Persons from Enforced Disappearance*.

The Commission on Human Rights had a long tradition of developing new human rights treaties and norms, and the International Committee of the Red Cross (ICRC) has participated in many of its endeavours. It has followed the drafting of the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, of the *Convention against Torture* and of its *Optional Protocol*, to name but a few.

The latest of such instruments is the draft Convention on the Protection of All Persons against Enforced Disappearances that comes before the Human Rights Council at this first session. The ICRC has followed the work of the Working Group mandated to draft the Convention very closely and supports the efforts to adopt the draft.

The ICRC is deeply concerned about the fate of forcibly disappeared persons: they are abducted and detained, sometimes killed, and their families are kept in the dark about their fate.

Enforced disappearance constitutes a violation of international humanitarian law and of human rights, both in international as well as in non-international armed conflict. It violates, or threatens to violate, a number of fundamental customary rules such as the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel and inhuman treatment, and the prohibition of murder. Leaving families without news about the situation and whereabouts of their relatives not only places them in a situation of cruel uncertainty, but is a denial of the right to family life and of the families' right to know the fate of their relatives.

The prohibition of enforced disappearance, like all rules of humanitarian law, allows for no exception. No war, no state of exception, no imperative reason of national security can justify enforced disappearance. Just as no State, group or individual is above the law, so no person can be placed outside the law: enforced disappearance tries to do just that.

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Once a person has been caused to disappear, it is often too late. It is beforehand that we must act, that we must prevent persons from disappearing - by registering them, by keeping track of them, by giving news to their families.

This is why the Convention is so important. It will clearly enshrine those legal obligations of States which are critical for the prevention of persons from being caused to disappear. All detained persons must be registered in officially recognised places, have regular contact with their families, and benefit from legal procedural guarantees. For the first time, these obligations will be codified in a legally binding human rights treaty, applicable at all times. It will also enshrine the right of families to know the fate of their relatives, one of the pillars on which all rules on missing persons must rest.

For its part, the ICRC strives to prevent or put an end to disappearances. Regular visits to detention centres are one of the principal means used by the ICRC to achieve this aim. Last year, among the 500'000 detainees who benefited from ICRC detention activities, the ICRC followed more than 46'000 detainees individually in about 2'500 places of detention. About 26'000 were visited for the first time by the ICRC and registered. Our delegates transmitted about 100'000 Red Cross messages between detainees and their families. Bringing news to the families is a standard modality of ICRC's detention work on behalf of detainees.

ICRC registration contributes to prevent disappearance, as it enables us to follow the detainees individually and to search actively for their whereabouts. The ICRC also receives numerous requests from families who are looking for lost relatives and our delegates do everything they can to trace them, re-establish the family link and, in some cases, assist families in their specific needs.

Together with the International Red Cross and Red Crescent Movement, the ICRC also seeks to raise awareness about the tragedy of people unaccounted for as a result of armed conflict or other forms of violence and about the anguish of their families.

Mr Chairman

Much more still needs to be done against enforced disappearance. At the 28th International Conference of the Red Cross and Red Crescent of 2003 the Red Cross and Red Crescent Movement and States committed themselves in the Agenda for Humanitarian Action to respect and restore the dignity of missing persons and their families. The ICRC therefore calls on all States to put even more effort into preventing persons from going missing and alleviating the suffering caused by it.

Enforced disappearance is a phenomenon that still exists in different parts of the world and produces anguish, fear and unspeakable sorrow for thousands of families. The ICRC witnesses this plight everyday in its work. The urgency of the need to eradicate the phenomenon of enforced disappearance is too great to delay the adoption of a new treaty that outlaws it. There can be no doubt that this Convention will contribute to greater legal protection of persons from being caused to disappear, and the ICRC therefore strongly encourages the Human Rights Council to adopt it at its first session.

Tribute to families

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